

A Program of Action
for
Executive, Legislative, and
Judicial Branches of United
States Government.

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Presented by
The Board of Directors of
National Tribal Chairmen's Association
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The purpose of this paper is to outline a course of action by the Board of Directors of the National Tribal Chairmen's Association relating to three major concerns of land based Indian tribes regarding policies, legislation, and programs. These issues and concerns constitute priorities by the Federally recognized Indian tribes which require the attention and action by the Executive, Legislative, and Judicial Branches of the United States Government.

1.. NATIONAL INDIAN POLICIES NEEDED:

- A. The Executive and Legislative Branches of Government must announce a NEW National Indian Policy that will renounce, repudiate, and replace House Concurrent Resolution 108. A new National Indian Policy would remove the threat of termination and create a climate of hope for Federally recognized Indian tribes and will reaffirm their faith and trust in the government of the United States. This will also provide for an orderly development of Indian tribes.
- B. The Executive and Legislative Branches of Government must reaffirm the historical, special trust relationship between the United States and the Indian Tribes particularly these that are now Federally recognized. This special relationship has as its basis Article I Section 8 clause 3 of the United States Constitution.
United States Constitution:
Article I
Section 8 (3)...to regulate commerce with foreign nations, and among the several states, and with the Indian tribes;...
- C. The Executive, Legislative, and Judicial Branches of Government shall reaffirm the historical, moral and legal meanings and interpretation of Treaties between the Indian Tribes and the United States.' The alliance with Indian tribes gave birth to the emergence of the 13 colonies which is now on the brink of celebrating its bicentennial. The reaffirmation of Indian treaties would be a true capstone to the bicentennial.
United States Constitution:
Article VI
Section 2
...This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding...
- D. The Justice Department must instruct its U.S. Attorneys to prosecute more cases involving Indian tribes and their members rather than decline the many cases referred to them by the law and order officials (Federal and Tribal). In many of these referrals the cases were declined by U.S. Attorneys, with what appears to be excuses, that they don't have the time and they have too many cases.

2. NEW NATIONAL INDIAN LEGISLATION NEEDED:

- A. Public Law 280 must be repealed by Congress at the earliest possible date. This law has brought much suffering and degradation to the several Indian tribes who were prematurely terminated under the ill advised policies of this bad legislation.
- B. The Indian Civil Rights Act should be amended as it has begun to erode Tribal governments and Tribal sovereignty. In some cases it has created cleavage and faction for Indian tribes. The Indian Civil Rights Act should be amended to prevent infringement upon Tribal sovereignty.
- C. Legislation is urgently needed that will enable the United States to faithfully discharge its TRUST responsibilities in protecting Indian land and Indian water. Legislation should be so specific that Indian land and Indian water, which are private, are differentiated from all other Federal lands and waters which are public. It should also provide that all Indian water suits be tried in Federal Courts.
- D. The President of the United States is respectfully and urgently requested to use his executive powers and direct the Justice Department where lawful to declare a moratorium on further Indian water suits until such time a proper legislation has been enacted which includes provisions in (C) above. This shall not preclude Indian Tribes from filing suits or proceedings to protect their rights on their own behalf.

3. FEDERAL INDIAN PROGRAMS NEEDED:

- A. Congress in meeting the housing needs of the Indian tribes and their members must fund and program under a specific Indian Housing Legislation which will meet the total identified unmet need of approximately 46,000 new houses. Public housing was 30 years late in coming to the Indian people so it must be recognized by the Federal Government that Indian housing needs are 30 years behind the rest of the Country. It must also be recognized that Indian housing at the present time is so deplorable that expeditious action is needed now.
- B. Massive funds must be appropriated by Congress for the next 10 years for public employment and public works for Indian tribes and their members. Unemployment in the Indian country has intensified with the present economic conditions. These funds would help to build public buildings, build and repair streets, build and repair water and sewer lines, boundary fences, timber reforestation and improvement, soil conservation, etc.
- C. The United States Public Health Service must be mandated by Congress to expedite the heavy backlog of surgical cases of members of Indian tribes who are entitled to health services. The longer these cases remain undone, the higher the cost to the U.S. Government with its contingent liability and the suffering of the human beings involved.

- D. The various programs funded and supported by the Office of Native American Program should be continued. This is one Federal program which, without question, has assisted Indian tribal governments and benefitted many individual members of Federally recognized Indian tribes. The Federally recognized Indian tribes must be the exclusive recipients of this program in order that the funds would not be fragmented among so many groups who are not Federally recognized.

The term "Native American" is misleading and is incorrect when it is used in connection with Indian Tribes. There are many people of different ethnic background who are "Native Americans" due to their birth in this country therefore it could not be singularly applied to Indians. We request and recommend the return to the usage of the term "Indian tribes" such as used in the United States constitution. All Federal Agencies should use "Indian Tribes" when they are dealing with Indian tribes who are Federally recognized. This would keep in proper perspective the Federal and Indian relationship.

- E. The pitifully and deplorable law and order conditions existing on many Indian reservations warrant the immediate attention and remedies. Adequate funds must be earmarked for Indian law and order programs to upgrade, properly equip with uniforms and necessary equipment, and to employ additional law and order personnel. The population of Indian tribes have increased but their law and order personnel, funds, and programs have remained at status quo for decades therefore they have archaic law and order. Such conditions must not be tolerated any longer but corrected. It should be noted also that many Indian tribes which have developed economically are experiencing increased non-Indian tourists who must have sufficient law and order for their welfare and safety as well as the protection of Indian developed resources and facilities. Jurisdiction over non-Indians by Indian tribes must be provided by legislation for the maximum protection, operation and enforcement of law and order.

4. THE BOARD OF DIRECTORS OF NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION:

- A. The Executive, Legislative, and Judicial Branches of United States Government must recognize, accept, and utilize the Board of Directors of the National Tribal Chairmen's Association as the official voice of the land based Indian tribes who are Federally recognized. The members of the Board and Chairmen of Association member tribes are the elected leadership of Federally recognized Indian Tribes, and as such they are ready, willing and capable of providing advice, represent, and provide a forum for all matters relating to the land based Indian tribes.
- B. The Tribal Chairman and the Tribal Council elected by their respective Indian tribal members are the official representatives and spokesmen of the Federally recognized Indian tribes, therefore they should be consulted and involved in all matters concerning their respective tribes. The Tribal Chairman individually when properly authorized

or collectively with the Tribal Council represent the Tribe.

- C. The Departments, Bureaus, Agencies, and the Cabinet of the Federal Government must utilize the Board of Directors of the National Tribal Chairmen's Association as the Official Forum and Advisory Body for any matters and issues relating to or affecting Federally recognized Indian tribes.

The Board of Directors request that all Federal funds and programs appropriated, designed, and intended for Federally recognized Indian tribes be handled under the terms and meaning of the Federal-Indian trust relationship in order that the special trust relationship between the Federal Indian tribes be kept in proper perspective that an 11th Regional Office be established to deal with Federally recognized Indian tribes and channel such Federal funds through this Office, with the exception of funds appropriated for the Bureau of Indian Affairs and Indian Health Service.

CONCLUSION:

The Board of Directors of the National Tribal Chairmen's Association put all Tribal Chairmen and the U.S. Government and its leaders on notice that no one should conclude that the Board of Directors believe that subject matters and issues in this paper are the only issues. It is only the beginning and the Board of Directors will expend their efforts, time, and energies in other minor or major Indian issues concerning Federally recognized Indian Tribes. The Board of Directors request your continued support and assistance as we work to improve the entire spectrum of our Indian tribes.